

IN THE HIGH COURT AT BIRMINGHAM

[2022] EWHC 1331 (QB)

QUEEN'S BENCH DIVISION

BIRMINGHAM DISTRICT REGISTRY

Before His Honour Judge Rawlings sitting at Birmingham Civil Justice Centre on 19 May 2022

B E T W E E N

NORTH WARWICKSHIRE BOROUGH COUNCIL

Claimant

-and-

PETER MORGAN

Defendant

MR SHEPHEARD appeared on behalf of the Claimant DEFENDANT in person

APPROVED JUDGMENT

JUDGE RAWLINGS:

1. I will deal with the issue, first of whether the injunction has been breached by you and if so whether that breach was deliberate. Mr Shepherd has read out the facts of the breach. You say that you accept those facts as correct. You have accepted that you knew that there was an injunction in place and that by doing what you did you were deliberately breaching that injunction. I am satisfied therefore so that I am sure that you have breached the injunction and that the breach was deliberate.
2. The sentencing guidelines for Breach of Criminal Behaviour Orders do not apply directly to breaches of civil injunctions, like the index injunction but they are used as a guide to the appropriate sanction for the breach of such an injunction. The guidelines require that I assess your culpability for breach of the injunction and the harm that your breach of the injunction caused.. Culpability is split into 3 categories according to your culpability for the breach (A-C) and harm also split into 3 categories (1-3) according to the seriousness of the harm.
3. On the basis that this was a deliberate breach I assess culpability at B. So far as harm is concerned, it appears from the details that I have been given that there has been little or no real harm as a result of your breach of the injunction. On this basis I assess harm at 3. So, for the purposes of the sentencing guidelines the breach is B3. The sentencing guidelines refer to the imposition of a Community Order, but as this is not a criminal matter and this is not a criminal court I have no power to impose a community order. In my judgment, the appropriate sanction is the imposition of a fine.
4. Consistent with the fines that I have imposed on the other defendants that I have dealt with today and on the basis that your breach of the injunction is similar to theirs I would have been minded to impose a fine upon you of £800. That is a starting point £1,200 less one third for your accepting that you breached the injunction at the first opportunity, before taking into account aggravating and mitigating factors. In your case you have previous convictions for similar protest activity which protest activity I accept was carried out pursuant to what you consider to be the moral imperative of protesting against issues that contribute towards climate change. On the basis of my acceptance that you have breached the index injunction and that your previous convictions relate to what I accept your see as a moral imperative I would not be inclined to increase the fine from £800 to take into account your previous convictions.
5. However, the court considers a period of incarceration to be a more severe penalty than a fine and I am satisfied in the circumstances that the six days that you have spent in jail as a result of being remanded in custody is sufficient punishment in relation to your breach of the injunction and I will, therefore, make no further order in relation to a penalty for that breach and you will be free to go.
6. So far as costs are concerned, what I propose to do, as I have with the other defendants, is to order that you pay a contribution of £250 towards the claimant's costs and that that should be paid within 28 days, which is the same order I made for Reverend Hewes, on costs.

This transcript has been approved by the Judge

